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000530  
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EXAMINER

COTTINGHAM, J

ART UNIT

PAPER NUMBER

3629

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06/20/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/406,530

Applicant(s)

ODDSEN JR., ODD N.

Examiner

John R. Cottingham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 & 9.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 18-21 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims claim the device being a flat-screen television, flat-screen computer monitor, a keyboard, and a laptop, however, the "device" is not positively claimed and cannot be given patentable weight.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the gas spring and the end caps must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claim 48 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The gas spring was not disclosed in the specification at all and neither were the end caps.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is an inconsistency between the language in the preamble and certain portions in the body of the claims, thereby making the scope of the claims unclear. For example, the preamble clearly indicates that the subcombination of a "tilter" is being claimed with the functional recitation of the "tilter" being used "for adjustably mounting a device to a support mount". However, the body of the claims positively recites the "support mount", e.g., "a support block coupled to and configured to pivotally engage the support mount" (claim 1, lines 3-4), which indicates the claims as being drawn to a combination of the "tilter" and "support mount". Therefore, applicant must clarify what the claims are intended to be drawn to, i.e., either the "tilter" alone or in combination with the "support mount", and present the claims with the language which is consistent with the invention.

This applies to claims 1, 22, and 48.

Claim 24, lines 3-4, the phrase "at least one mounting standard" is unclear and renders the claim indefinite.

Claim 31, lines 6-7, it is unclear between the difference of "means for connecting said rotating plate and said tilt mount" and claim 30 stating "a rotating plate coupled to

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said center tilt mount". It would seem to imply from claim 30 that there already is a means to connect them and the line in claim 31 is redundant.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-3, 6-8, 10-11, 13, 22-23, 25-26, 28-33, 38, 40-42, 44, 45, and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Sweere et al. U.S. Patent 5,842,672. Sweere et al. shows all of the claimed subject matter of a tilter in Figures 1-29 (especially Figures 2 & 4). The tilter comprises a support block 64 coupled to and configured to pivotally engage the support mount 50 around a first axis; a center tilt mount 84 coupled to and configured to pivotally engage the support block 64 around a second axis, wherein the second axis is perpendicular to the first axis; and an adapter plate 38 configured to attach to the device.

Regarding claim 2, a rotating plate 86 is configured to be secured to the adapter plate 38 and to be rotatably secured to the center tilt mount so as to permit pivotal rotation of the adapter plate 38 relative to the center tilt mount around a third axis, wherein the third axis is perpendicular to the second axis.

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Regarding claim 3, the rotating plate is rotatably secured to the center tilt mount 84 by a rivet 90.

Regarding claim 6, the center tilt mount 84 includes a first opening and the support block 64 has a second opening that aligns with the first opening (see bolt holes 58).

Regarding claim 7, a tilter shaft 58 configured to fit within the aligned openings of the center tilt mount and the support block so as to pivotally secure the center tilt mount to the support block 64.

Regarding claim 8, a bushing 78 configured to receive the tilter shaft 58 there through and configured to be received in the opening of the support block.

Regarding claim 10, the tilter shaft 58 has a knurl band (viewed as the threads) located at one end.

Regarding claim 11, the center tilt mount 84 includes a groove (the gap between the two members) formed on a surface thereof.

Regarding claim 13, the center tilt mount 84 includes a groove (the gap between the two members) formed on a surface thereof.

Regarding claim 22, a tilter comprises a support block 64 including a shaft 58 and a body, the support shaft 58 is disposed within one end of the body and having an axial centerline aligned with a first axis, the support shaft 58 is coupled to the support mount 50 and configured to pivotally rotate around the first axis, and the body has a hole formed therein, the body hole having an axial centerline aligned with a second axis that is perpendicular to the first axis; a center tilt mount 84 having a floor (contacting 86)

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and sidewalls extending therefrom, each having a hole, each sidewall hole is aligned with the outer sidewall holes and body hole; a tilter shaft 80 coupled to the body hole and the sidewall holes so as to rotatably engage the support block and the center tilt mount so that the center tilt mount can pivotally rotate around the second axis; and means 38 for connecting the device to the tilter.

Regarding claim 23, the means for connecting the device to the tilter is an adapter plate.

Regarding claim 25, the adapter plate 38 is connected to the device with fasteners 90 and 92.

Regarding claim 26, the fasteners are screws.

Regarding claim 28 the adapter plate is connected to the center tilt mount with fasteners 90 and 92.

Regarding claim 29, the fasteners are screws.

Regarding claim 30, a rotating plate 38 is coupled to the center tilt mount.

Regarding claim 31, the floor has a hole, and the floor hole has an axial centerline aligned with a third axis that is perpendicular to the first axis and the second axis, the rotating plate 38 has a hole formed therein that is aligned with the floor hole, and further comprises means for connecting the rotating plate and the center tilt mount.

Regarding claim 32, the means for connecting the rotating plate 38 and the center tilt mount is a rivet 90.

Regarding claim 33 the rivet is inserted through the floor hole and the rotating plate hole.

Regarding claim 38, the means for connecting the device to the tilter is an adapter plate 38.

Regarding claim 40, the adapter plate is connected to the center tilt mount with fasteners 90 and 92.

Regarding claim 41, the fasteners are screws.

Regarding claim 42, the center tilt mount includes an indented region formed on a surface thereof and further comprising a washer 88 configured to be received within the indented region so as to be interposed between the center tilt mount and the rotating plate 38.

Regarding claim 44, the tilter shaft 58 includes a knurl band (threaded portion) insertable into one of the side wall hole so as to form a press fit.

Regarding claim 45, the tilter shaft is disposed within the bushing (washer) and the bushing is disposed through the body hole and the sidewall hole.

Regarding claim 47, the support shaft includes a knurl band located on a surface thereof, and the knurl band forms a press fit between the support shaft and the body.

9. Claims 1, 5-7, 10-11, 15-16, 22-30, 38, 40-41, 44, and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Norton U.S. Patent 4,470,106. Norton shows all of the claimed subject matter of a tilter in Figures 1-3. The tilter comprises a support block 72 coupled to and configured to pivotally engage the support mount 54 around a first axis; a center tilt mount 66 coupled to and configured to pivotally engage the support block 72 around a second axis, wherein the second axis is perpendicular to the first axis; and an adapter plate 64 configured to attach to the device.



Regarding claim 5, the center tilt mount has a first plurality of holes formed therein and the adapter plate has a second plurality of holes formed therein that is aligned with the first plurality of holes, and the aligned holes configured to receive a plurality of fasteners 70 so as to secure the adapter plate to center tilt mount 66.

Regarding claim 6, the center tilt mount 66 includes a first opening and the support block 72 has a second opening that aligns with the first opening.

Regarding claim 7, a tilter shaft 76 configured to fit within the aligned openings of the center tilt mount 66 and the support block 72 so as to pivotally secure the center tilt mount to the support block 72.

Regarding claim 10, the tilter shaft 76 has a knurl band (viewed as the threads) located at one end.

Regarding claim 11, the center tilt mount 84 includes a groove (the corner between the two members) formed on a surface thereof.

Regarding claim 15, the adapter plate 64 includes four holes forming corners of a square having sides approximately 100 mm.

Regarding claim 16, the adapter plater includes four holes forming corners of a square having sides of approximately 75 mm.

Regarding claim 22, a tilter comprises a support block 72 including a shaft 76 and a body, the support shaft 76 is disposed within one end of the body and having an axial centerline aligned with a first axis, the support shaft 76 is coupled to the support mount 54 and configured to pivotally rotate around the first axis, and the body has a hole formed therein, the body hole having an axial centerline aligned with a second axis

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that is perpendicular to the first axis; a center tilt mount 66 having a floor (contacting 64) and sidewalls extending therefrom, each having a hole, each sidewall hole is aligned with the outer sidewall holes and body hole; a tilter shaft 76 coupled to the body hole and the sidewall holes so as to rotatably engage the support block 72 and the center tilt mount 66 so that the center tilt mount 66 can pivotally rotate around the second axis; and means 70 and 64 for connecting the device to the tilter.

Regarding claim 23, the means for connecting the device to the tilter is an adapter plate 64.

Regarding claim 24, the adapter plate 64 includes a plurality of holes and the plurality of holes form at least one configuration associated with at least one mounting standard.

Regarding claim 25, the adapter plate 64 is connected to the device with fasteners 70.

Regarding claim 26, the fasteners 70 are screws.

Regarding claim 27, the center tilt mount 66 has a plurality of mounting holes formed in the floor and the adapter plate includes a plurality of holes that align with the mounting holes.

Regarding claim 28 the adapter plate 64 is connected to the center tilt mount with fasteners 70.

Regarding claim 29, the fasteners 70 are screws.

Regarding claim 30, a rotating plate 65 is coupled to the center tilt mount.

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Regarding claim 38, the means for connecting the device to the tilter is an adapter plate 64.

Regarding claim 40, the adapter plate 64 is connected to the center tilt mount 66 with fasteners 70.

Regarding claim 41, the fasteners 70 are screws.

Regarding claim 44, the tilter shaft 76 includes a knurl band (threaded portion) insertable into one of the side wall hole so as to form a press fit.

Regarding claim 47, the support shaft includes a knurl band located on a surface thereof, and the knurl band forms a press fit between the support shaft and the body.

***Allowable Subject Matter***

10. Claims 4, 9, 12, 14, 17, 34-37, 39, 43, and 46 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zimmer, Jr. U.S. Patent 4,034,946 shows a similar device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Cottingham whose telephone number is (703) 306-3439. The examiner can normally be reached on Monday - Thursday, alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-216.



Lynne H. Browne  
Supervisory Patent Examiner  
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John R. Cottingham  
June 13, 2001